IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR.

M.P. NO. 5134 of 1989. Division Bench (Civil)

PETITIONERS :- 1. Ashok Kumar Verma, aged about 27 years, son of Shri R.K. Verma, resident of Ambagarh Chowki, Distt. Rajnandgaon.

2. Vishnu Shrivastava, aged 30 yrs. son of Shri S.B.Shrivastava, resident of Dongarhgaon, Distt. Rajnandgaon.

3. Chhedoo Lal Agarwal, aged 40 yrs. resident of Main road Dongargarh, Distt. Rajnandgaon M.P.

VERSUS

RESPONDENTS:- 1. State of Madhya Pradesh through the Chief Secretary, Vallabh Bhavan, Bhopal.

2. The District Magistrate, cum Collector, Rajnandgaon.

3. The Telecom Distt. Engineer, of Durg office at Phafadih Chowk, Raipur.

PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA

(34)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ...W.P.5134/89... **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

25/4/2005

Miss Maya Verma, Advocate, for the petitioners.

Shri Parag Kotecha, Panel Lawyer, for the State.

Heard.

It is pointed out that the matter is such which is covered by a decision of this Court in W.P. No.223/92 (Umesh Sharma and others). Learned counsel for the petitioners prays for the similar relief.

This petition was filed by the petitioners on 11/12/1989 challenging the notice dated 28-9-1989/3-10-1989 (Annexure-P/6), whereby they have been directed not to exhibit different programmes through the Dish Antenna. The matter came up for hearing before the High Court of M.P. on 21/12/1989 and the High Court passed the interim order to the following effect:

> *"Shri M.M. Agrawal, Advocate, heard.*
> *Issue notice on I.A. No.10899/89. Meanwhile, operation of order Annexure-P/6 shall remain stayed."*

The matter again came up for hearing on 11/4/1991 and the interim order dated 21/12/1989 was modified to the extent that the petitioners are permitted to only use dish antenna for exhibiting television programmes and not to use it for showing films.

Thereafter, the Madhya Pradesh Entertainments Duty and Advertisements Tax Act, 1936 (hereinafter referred to as the Act of 1936) was amended and from 1/5/1999, Section 2(aaa) and Sections 3-A & 3-B have been incorporated.

Learned counsel for the respondents contended that as the Act of 1936 has been amended, the services of cable operators have been

(पीछे देखिये)

(35)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

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	brought within the ambit of the Act and they are now regulated by the Act. It is submitted that certain conditions have to be complied with before carrying on the cable operation work. It is also submitted that the petitioners are carrying on the cable operation work without complying with the requirements. Learned counsel for the petitioners on the other hand contended that the amendment would not have any effect on the petitioners and that is why they were continuing the business. It is submitted that the petitioners are not covered, as they are not carrying on the business in public place. Having considered the facts and circumstances of the case and material on record and in view of the aforesaid amendments, which have been made in the Act on 1/5/1999, in the opinion of this Court, the matter has to be examined by respondents no.2 and 3. Let that be examined. The petitioners may be heard and orders be passed as expeditiously as possible preferably within a period of two months from the date of receipt of this order. Subject to what has been stated above, this petition stands disposed of with liberty to avail the remedy available under the law in case such an occasion arises including the filing of the petition. C.C. **Sd/-** **Fakhruddin** **Judge**	

(पीछे देखिये)